

ONE HUNDRED FOURTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE RESOLUTION 314**

Introduced by Kolowski, 31.

PURPOSE: The use of restraint and seclusion techniques in American schools is substantial nationwide. Allegations of severe injury and the death of students resulting from the use of restraints and seclusion in schools have been well-documented. Students are often restrained as a disciplinary measure even when the student's behavior appeared not to be aggressive. Students continue to be restrained or secluded without prior parental consent and cases have been identified where schools and staff ignored explicit parental instructions not to use restraint or seclusion.

The use of restraint and seclusion presents significant risks to the health and safety of students. Children are subjected to restraint or seclusion at higher rates than adults and are also at greater risk of injury from the use of restraint or seclusion. Many students subjected to restraint or seclusion have been physically injured, traumatized, or died as a result. Children with disabilities are at particular risk of being restrained or secluded. Students with disabilities are also disproportionately subject to the use of restraint or seclusion.

There are no federal laws which govern the use of restraint and seclusion for schools in the United States. Consequently, states are left to regulate the use of restraint and seclusion. The resulting patchwork of state legislation and regulation of the use of restraint and seclusion in schools is an uneven and confusing array of protections that still give wide latitude to school staff in responding to student behavior with aversive techniques like restraints and seclusion. Nebraska lacks specific state laws or regulations governing the use of restraints and seclusion in Nebraska schools. Consequently, there is little uniformity in the regulation of restraint and

seclusion in Nebraska.

This study shall include, but not be limited to, an examination of the following issues:

(1) Existing regulatory and statutory mechanisms that allow or circumscribe the use of restraint or seclusion in Nebraska schools;

(2) Data collection techniques used by schools to report incidences of the use of restraint or seclusion, to whom incidences are reported, and how those reports are catalogued;

(3) The incidence of the use of restraint or seclusion in Nebraska schools and the extent and duration of the restraint or seclusion used on students, especially those with disabilities; and

(4) Nebraska school policies and procedures on the use of restraint or seclusion, including, but not limited to, when these practices are prescribed and for what purpose, the school staff authorized to use them, the training school staff receive regarding the use of these techniques, and the extent to which parents or legal guardians are notified when such techniques are used.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.